

WEDNESDAY, JANUARY 9, 1985

SECOND ORGANIZATIONAL DAY

The House met at 9:30 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative William Collier of Humphries County.

Representative Collier led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

The Speaker announced that Representatives Bragg and Percy were excused because of illness.

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OATH OF OFFICE

The Speaker announced that Representative William Chris Turner of the 97th District was administered the Oath of Office earlier today by Judge R. Cornelius, Jr., Court of Criminal Appeals, Nashville, Tennessee.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

1--Relative to 50th Birthday, late Elvis Presley;

3--Relative to election, constitutional officers;

4--Relative to audit, offices of Comptroller and Treasurer;

6--Relative to adjournment, Ninety-fourth General Assembly; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Naifeh moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 3 out of order, which motion prevailed.

Senate Joint Resolution No. 3--Relative to election, constitutional officers.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 3, which motion prevailed.

On motion, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Naifeh moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 4 out of order, which motion prevailed.

Senate Joint Resolution No. 4--Relative to audit, offices of Comptroller and Treasurer.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 4, which motion prevailed.

On motion, the resolution was concurred in.

A motion to reconsider was tabled.

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Mr. Gill moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 1 out of order, which motion prevailed.

Senate Joint Resolution No. 1--Relative to 50th Birthday, late Elvis Presley.

Mr. Gill moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 1, which motion prevailed.

On motion, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 1, which motion prevailed.

House Joint Resolution No. 1--Relative to naming certain bridge, Van Buren County.

Mr. Rhinehart moved that House Joint Resolution No. 1 be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

Mr. Naifeh moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 6 out of order, which motion prevailed.

Senate Joint Resolution No. 6--Relative to adjournment, Organizational Session, 94th General Assembly.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of Senate Resolution No. 6, which motion prevailed.

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Representative Miller seconded the nomination of Mr. Mathews.

Senator Hamilton moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Mathews 32

The Clerk of the House called the roll the the House with the following results:

For Mr. Mathews 96

Representatives voting for Mr. Mathews were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Total vote for Mr. Mathews. 128

Thereupon, Mr. President Wilder declared the Honorable Harlan Mathews duly, legally and constitutionally elected State Treasurer for the ensuing two years.

A motion to reconsider was tabled.

Mr. President Wilder appointed the following committee to escort Mr. Mathews to the well of the House: Representatives Ivy and Cross, and Senators Haynes and Cooper.

Mr. Mathews expressed his appreciation.

OATH OF OFFICE

The Oath of Office was administered to Messrs. Crowell, Snodgrass and Mathews by the Honorable Paul Sumners, Retired Judge of the Court of Appeals, Western Division.

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Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Snodgrass 31

The Clerk of the House called the roll of the House with the following results:

For Mr. Snodgrass 96

Representatives voting for Mr. Snodgrass were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Total vote for Mr. Snodgrass. 127

Mr. President Wilder declared the Honorable William R. Snodgrass duly, legally and constitutionally elected Comptroller of the Treasury for the ensuing two years.

A motion to reconsider was tabled.

Mr. President Wilder appointed the following committee to escort Mr. Snodgrass to the well of the House: Representatives Rhinehart and King, and Senators Burks and Hamilton.

Mr. Snodgrass expressed his appreciation.

ELECTION OF STATE TREASURER

Mr. President Wilder declared the next order of business was the election of State Treasurer, and that nominations were in order.

Senator Lashlee placed in nominations the name of the Honorable Harlan Mathews of Williamson County.

Representative DeBerry seconded the nomination of Mr. Mathews.

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2. An audit report of the Department of the Treasury for the fiscal years ended June 30, 1983 and 1984;
3. A report entitled State of Tennessee Office of the Comptroller, Department of Audit, Quality Assessment Review for the year ended June 30, 1984, conducted under the direction of the National State Auditors Association in conjunction with the Southeastern Intergovernmental Audit Forum; and
4. A management letter on the quality assessment review.

Representative Rhinehart moved that the committee accept the audit of the Comptroller of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Senator Dunavant seconded the motion which carried unanimously.

Representative Rhinehart moved that the committee accept the audit of the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Representative Cobb seconded the motion which carried unanimously.

The members of the committee were impressed with the completeness of the presentation and procedures of the Comptroller of the Treasury and his staff and the condition of the Treasury's accounts and commended them for their outstanding ability and work.

There being no further business, the committee adjourned, sine die.

Senator John T. Hicks, Chairman	Rep. Shelby Rhinehart, Chairman
Senator Leonard Dunavant	Rep. Steve Cobb
Senator Robert T. Rochelle	Rep. John Chiles, Jr.

ELECTION OF COMPTROLLER OF THE TREASURY

Mr. President Wilder declared the next order of business was the election of a Comptroller of the Treasury, and that nominations were in order.

Representative Rhinehart placed in nomination the name of the Honorable William R. Snodgrass of White County.

Senator Burks seconded the nomination of Mr. Snodgrass.

Representative King seconded the nomination of Mr. Snodgrass.

Representative Naifeh moved that nomination cease and that the

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Total vote for Mr. Crowell.127

Mr. President Wilder declared the Honorable Gentry Crowell duly, legally and constitutionally elected Secretary of State for the ensuing four years.

A motion to reconsider was tabled.

Mr. President Wilder appointed the following committee to escort Mr. Crowell to the well of the House: Representatives Murray and Ridgeway; and Senators Darnell and O'Brien.

Mr. Crowell expressed his appreciation.

Senator Hicks moved that pursuant to Senate Joint Resolution No. 4, the Report of the Select Committee to audit the Comptroller of the Treasury and the Department of the Treasury be adopted and made the action of the House, which motion prevailed.

REPORT OF THE SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF THE COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF THE TREASURY

On August 31, 1984, the select committee appointed by the Speaker of the House of Representatives and the Speaker of the Senate pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102 to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in Room 29 of the Legislative Plaza for an organizational meeting. The select committee is composed of: Representative Shelby Rhinehart and Senator John Hicks who serve as co-chairmen, Senator Leonard Dunavant, Senator Robert Rochelle, Representative Steve Cobb and Representative John Chiles. All members except Senator Dunavant were present.

Mr. William R. Snodgrass, Comptroller of the Treasury, provided the committee information on various auditing methods and estimated costs to implement such methods. The committee unanimously voted to contract with the Council of State Governments for a quality control review of the Department of Audit's performance as auditor to be conducted by the Southeastern Intergovernmental Audit Forum (SIAF) in cooperation with the National State Auditors Association (NSAA). The committee then adjourned to be reconvened at the call of the co-chairmen.

The committee was reconvened on January 7, 1985 in Room 29 of the Legislative Plaza. All members except Senator Rochelle and Representative Chiles were present. Mr. William R. Snodgrass, Comptroller of the Treasury, presented the following information to the committee.

1. An audit report of the Comptroller of the Treasury for the fiscal year ended June 30, 1984;

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On motion of Senator Hamilton, the roll call of the Senate was dispensed with.

On motion of Representative Naifeh, the roll call of the House was dispensed with.

Thereupon, the Clerk of the Senate read Senate Joint Resolution No. 3 authorizing the Joint Convention.

ELECTION OF SECRETARY OF STATE

Mr. President Wilder declared the first order of business was the election of the Secretary of State, and that nominations were in order.

Senator Rochelle of Wilson County placed in nomination the name of the Honorable Gentry Crowell of Wilson County.

Representative Jared seconded the nomination of Mr. Crowell.

Representative Henry seconded the nomination of Mr. Crowell.

Representative Bell seconded the nomination of Mr. Crowell.

Senator Hamilton moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Crowell 32

The Clerk of the House called the roll of the House with the following results:

For Mr. Crowell 95

Representatives voting for Mr. Crowell were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

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Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 9--To make certain provisions, severance tax.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 10--To make certain provisions, alcohol content measurement.

Passed second consideration and held pending appointment of appropriate committee.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos:

5--Relative to recess, 94th General Assembly;

9--Relative to memory, Walter A. Barret; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 1; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Mr. Naifeh moved that the House stand in recess for the purpose of meeting with the Senate in Joint Convention, and further moved that at the conclusion of the Joint Convention, the House adjourn until 10:00 a.m. tomorrow, which motion prevailed.

IN JOINT CONVENTION

The hour having arrived, set by Senate Joint Resolution No. 3 --Relative to joint convention, election of the Constitutional Officers, the House and Senate met in Joint Convention.

The Joint Convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

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INTRODUCTION OF BILL

House Bill No. 11--To increase membership, motor vehicle commission--By Rhinehart.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1--To make certain provision, credit life insurance.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 2--To provide for reimbursement of indigent health care costs.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 3--To provide for waiver of tax enforcement.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 4--To prohibit transportation of opened containers, alcoholic beverages.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 5--To amend Section 61-2-125 (a) (2), Code.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 6--To require certain prisoners to reimburse costs of incarceration.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 7--To require prisoners to reimburse costs to state.

Passed second consideration and held pending appointment of appropriate committee.

House Bill No. 8--To require use of passenger restraint devices.

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Mr. Naifeh moved that Senate Joint Resolution No. 6 be concurred in, which motion prevailed by the following vote:

Ayes	84
Noes	2
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--84.

Representatives voting no were: Shirley and Turner, L. (Shelby)--2.

Representatives present and not voting were: Love and Murphy --2.

A motion to reconsider was tabled.

SECOND ROLL CALL

A roll call was taken with the following results:

Present	94
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Representatives present were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

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Mr. President Wilder relinquished the Chair to Mr. Speaker McWherter, as President of the Joint Convention.

The purpose for which the Joint Convention was called having been accomplished, Mr. President McWherter declared the Joint Convention dissolved.

The Senate repaired to the Senate Chamber.

The House was called to order by Mr. Speaker McWherter.

Thereupon, pursuant to Mr. Naifeh's earlier motion, the House adjourned until 10:00 a.m. tomorrow.